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Report of the Joint Inspection Unit on Management review of environmental governance within the United Nations system

Note by the Secretary-General

The Secretary-General has the honour to transmit herewith, for the consideration of the General Assembly, his comments and those of the United Nations System Chief Executives Board for Coordination, on the report of the Joint Inspection Unit on management review of environmental governance within the United Nations system (JIU/REP/2008/3).

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Summary

The report of the Joint Inspection Unit entitled "Management review of environmental governance within the United Nations system" (JIU/REP/2008/3) focuses on weaknesses in international environmental governance that stem from institutional fragmentation and the lack of a holistic approach to environmental issues and sustainable development. Recommendations made are intended, as stated in the objective of the report, to strengthen the governance of and programmatic and administrative support for multilateral environmental agreements by United Nations organizations by identifying measures to promote enhanced coordination, coherence and synergies between the agreements and the United Nations system, thus increasing the contribution of the United Nations system towards a more integrated approach to international environmental governance and management at national, regional and international levels.

The present report sets out the views of United Nations system organizations on the recommendations provided in the Joint Inspection Unit report. The views of the system have been consolidated on the basis of inputs provided by member organizations of the United Nations System Chief Executives Board for Coordination (CEB). CEB members welcome the comprehensive Joint Inspection Unit report and note that it provides an independent review and analysis of environmental governance arrangements across the United Nations system, with findings and recommendations that add to the growing momentum for identifying practical ways to improve international environmental governance. While CEB members support many of the recommendations, they also indicate concerns regarding the modalities suggested for their implementation and note that several require additional consideration.

I. Introduction

1. The Joint Inspection Unit report entitled "Management review of environmental governance within the United Nations system", examines the need to strengthen the governance of and programmatic and administrative support for multilateral environmental agreements by United Nations organizations. After a review of the history of intergovernmental actions to integrate global environmental issues in a development context, the report examines the development of both governance and management frameworks for the multilateral environmental agreements.

II. General comments

2. CEB members welcome the comprehensive Joint Inspection Unit report and recognize the considerable research its preparation required. They appreciate the significance of the report's objective, namely to enhance coherence in international environmental governance by improving the United Nations system support for multilateral environmental agreements, with the ultimate goal of ensuring better implementation on the ground. CEB members note that the report provides an independent review and analysis of environmental governance arrangements across the United Nations system and that its findings and recommendations add to the growing momentum for identifying practical ways to improve international environmental governance.

3. The organizations also note that the report and its recommendations could have benefited from wider consultation and reflection, including on possible ways forward. For example, the means proposed in the report for effecting change over such independent treaty bodies as the multilateral environmental agreements or specialized agencies may require further analysis. In addition, the report could have given more consideration to the fact that United Nations system entities, other than the United Nations Environment Programme (UNEP) and the multilateral environmental agreements, also sponsor important instruments with environmental dimensions, as is the case with several specialized agencies. Furthermore, the report could have been strengthened by taking more fully into account the whole range of resolutions and documentation issued by the General Assembly and the Economic and Social Council and the work of the Commission on Sustainable Development, among other bodies of the broader United Nations system that also cover the environmental component of sustainable development.

4. CEB member organizations believe that citing the absence of coordination mechanisms as an important factor in explaining the lack of multilateral environmental agreements implementation may not have sufficiently weighed the progress made in recent years under the umbrella of the United Nations Development Group and through other coordinating mechanisms and practices among international organizations, including those of the United Nations system, in the area of environmental management, like the Inter-Organization Programme for the Sound Management of Chemicals. At the same time, the report would have benefited from a fuller exploration of the fragmentation inherent in the establishment and implementation of multilateral environmental agreements by Governments, and coordination problems at the intergovernmental and national levels.

5. When commenting on the report, CEB members stress their deep involvement in multilateral environmental agreement implementation and emphasize the need for overall capacity development at the country level in the field of environmental sustainability as a prerequisite for ensuring enhanced implementation of the agreements. Organizations point to the need for the United Nations system to embark on a discussion as to how a system-wide policy orientation, a system-wide strategy and ultimately a results-based planning framework for the environmental component of sustainable development could be established in an inclusive way, ensuring ownership/buy-in by national Governments, United Nations system entities and all other relevant national and international stakeholders.

6. CEB members point out that, while the Joint Inspection Unit report presents a good historical overview of developments in the multilateral environmental agreement environment and the reasons for the establishment of bodies like the Environment Management Group, the report may not sufficiently reflect the dynamic of important ongoing processes and debates, including at the UNEP Governing Council and the United Nations General Assembly. Agencies note in particular that the UNEP Governing Council, at its twenty-fifth regular session, established a consultative process to present a set of options for improving international environmental governance to the Governing Council/Global Ministerial Environment Forum at its eleventh special session, with a view to providing inputs to the United Nations General Assembly (see Governing Council decision 25/4). In this context, the Joint Inspection Unit report is seen as a valuable contribution to such ongoing initiatives, which are focused on improving international environmental governance.

III. Specific comments on the recommendations of the Joint Inspection Unit

Recommendation 1

The Secretary-General should submit to the General Assembly, for its consideration through the UNEP Governing Council/Global Ministerial Environmental [Forum], a clear understanding of the division of labour among development agencies, UNEP and the multilateral environmental agreements, outlining their respective areas and types of normative and operational capacity-building activities for environmental protection and sustainable development.

7. While CEB members generally support the intent of the recommendation, they suggest that, instead of attempting a top-down enforcement of a division of labour, something tried unsuccessfully in the past, the way to proceed should be more cooperative. This would lead to recommendations to the various partners, including multilateral environmental agreements and specialized agencies, on the basis of existing mandates, including the outcomes of and mandates issued by the United Nations Conference on Environment and Development, and the Conferences of the Parties of bodies like the United Nations Framework Convention on Climate Change and the United Nations Convention to Combat Desertification in Those Countries Experiencing Serious Drought and/or Desertification, Particularly in Africa. It should also be based on a solid assessment of respective comparative advantages of

the various bodies and their history of successful norm-setting and/or operational delivery within the framework established by Member States through the Millennium Development Goals and other agreed strategic priorities. Moreover, organizations note that fostering effective and efficient thematic clustering and coordination within the United Nations system, something already happening to a large extent in practice, could be a more suitable tool for inter-institutional consistency than a strict ruling for the division of labour among development agencies, UNEP and multilateral environmental agreements.

Recommendation 2

The General Assembly should consider adding a system-wide policy orientation for environmental protection and sustainable development of the United Nations system in the United Nations strategic framework for the biennium programme plan; and in the event of this decision, should request the Secretary-General to prepare such a system-wide orientation for its approval through the Chief Executives Board.

8. Organizations support the concept of a system-wide policy orientation for the environmental protection element of sustainable development. They remain sceptical, however, that it can be achieved through the strategic framework for the biennium programme budget prepared by the United Nations Secretariat and debated by the General Assembly, as recommended, since it does not cover the entire United Nations system. They note that relevant system-wide planning already occurs through the CEB mechanisms and, on an issue-specific basis, the Environment Management Group.

Recommendation 3

The General Assembly should also decide to authorize the UNEP Governing Council/Global Ministerial Environment Forum to adopt the Medium-term Strategy of UNEP as a system-wide instrument constituting an integral part of the United Nations strategic framework.

9. Organizations agree that it is sensible to have a system-wide strategy but point to the need for broader/inclusive participation in the preparation of such a strategy by all relevant organizations (see also comments under recommendation 2 above).

Recommendation 4

The Secretary-General, with the assistance of the Executive Director of UNEP, should propose to the General Assembly — through the UNEP Governing Council/Global Ministerial Environment Forum — modalities by which Member States can better formulate and manage multilateral environmental agreements without creating an independent convention secretariat.

10. CEB members broadly agree with the intent of the recommendation as it applies to future multilateral environmental agreements, regarding the formulation and management of the relevant standard modalities to be stipulated. However, the recommendation does not take into account the fact that there may be overriding

substantive reasons for creating independent treaty secretariats. If such reasons are taken into account, this could potentially inspire changes in the functioning of existing multilateral environmental agreements. In cases where substantive responsibilities and areas of work are sufficiently close, jointly managed multilateral environmental agreements and increased synergies between their reporting requirements and capacity-building activities could enhance the possibilities of ensuring implementation at the country level, including through the Common Country Assessment/United Nations Development Assistance Framework system based on country priorities. Modalities for this would probably benefit from being prepared by the Environment Management Group, where the multilateral environmental agreements are also represented, or by more specialized coordination mechanisms, such as the liaison group of the biodiversity-related conventions or the Joint Liaison Group of the Rio Conventions.

Recommendation 5

The General Assembly should provide the UNEP Governing Council/Global Ministerial Environment Forum with adequate support through activating its own regular review of the reports of multilateral environmental agreements to enhance the Governing Council/Global Ministerial Environment Forum capacity to fulfil its mandate to review and evaluate, on a regular basis, the implementation of all multilateral environmental agreements administered within the United Nations system, with a view to ensuring coordination and coherence between them in accordance with decision SS.VII/1 and keep the Assembly informed of progress made.

11. Organizations agree with the recommendation and note that the matter may already fall within the purview of UNEP, on the basis of existing mandates. The validity of such an exercise would also be influenced by any final decisions on universal membership of the UNEP Governing Council, given the underlying rationale for the recommendation.

Recommendation 6

The Secretary-General — on the basis of a proposal of the Executive Director of UNEP and consultations with multilateral environmental agreement secretariats — should submit to the General Assembly, for its consideration and approval, guidelines on the establishment of national and, where appropriate, regional platforms on environmental protection and sustainable development policies which can integrate the implementation of multilateral environmental agreements into the Common Country Assessment and United Nations Development Assistance Framework processes.

12. CEB members agree with the need to set up regional or national platforms that can facilitate the integration of environmental protection and sustainable development policies, including implementation of multilateral environmental agreements, into the Common Country Assessment and United Nations Development Assistance Framework processes, based on national priorities within a sustainable development framework. They suggest, however, that such platforms should be set up within the One United Nations/Resident Coordinator system

through a process that would ensure the necessary ownership and buy-in from key parts of the United Nations system. The UNEP secretariat is working with the United Nations Development Group and the United Nations System Staff College on the integration of environmental sustainability, which is one of the five core principles of United Nations common country programming processes, into the United Nations Development Assistance Framework-related processes, including the work of multilateral environmental agreements. Attention is drawn to the fact that there are currently no budget provisions for such platforms and it is proposed that, based on input from the Environment Management Group and the United Nations Development Group, the final design, along with the decision on the funding necessary to sustain the platforms, should be left to the competent bodies. Organizations also draw attention to the importance of ensuring that before such national and regional platforms are created, an inventory and analysis be undertaken of existing regional and national environmental protection platforms. In cases where these are functioning well, it would be better to build upon the existing platforms rather than create new ones.

Recommendation 7

The Secretary-General, as Chairman of the Chief Executive Board, should encourage the executive heads of the organizations and the multilateral environmental agreements to:

(a) **Develop a joint system-wide planning framework for the management and coordination of environmental activities, drawing on the results-based management framework endorsed by the General Assembly in its resolution 60/257; and to this end,**

(b) **Draw up an indicative planning document serving for joint programming of their activities in the environment sphere.**

13. CEB members support, and are already implementing, the recommendation within CEB and the Environment Management Group framework, with the latter including multilateral environmental agreements as members. Organizations intend to make greater use of expert advice and guidelines from the Environment Management Group and UNEP, as appropriate, including in planning their procurement or other activities so as to reduce their impact on the environment. A results-based joint planning framework would require for its development a policy orientation and a strategy agreed and adopted by an intergovernmental process, which in turn would require a clear division of labour agreed upon prior to developing the joint framework (see recommendation 1 above), as well as an analysis of the incentives and modalities of cooperation (see also comments under recommendations 2 and 3 above).

Recommendation 8

The Secretary-General should undertake, in consultation with the multilateral environmental agreements and relevant United Nations system organizations, a review of the adequacy and effectiveness of funding environmental activities focusing on the concept of incremental costs and submit a report thereon to the General Assembly through the relevant intergovernmental bodies.

Recommendation 9

The General Assembly, upon receipt of the above Secretary-General report and the views on it of the intergovernmental bodies concerned, should redefine the concept of incremental cost funding applicable to the existing financial mechanisms.

14. CEB members expressed concern with the recommendation and point to the fact that the concept of incremental costs applies to Global Environment Facility funding, but not to other environmental funding provided by the United Nations system, the international financing institutions or bilateral donors. Organizations note a more fundamental concern, which is that environmental spending does not always follow the priorities established by the relevant governing bodies, including the governing bodies of the multilateral environmental agreements, and suggest that the General Assembly consider establishing instead a system of financial tracking for environmental purposes along the lines of the tracking system established in the humanitarian field, considering the possible role of the Environment Management Group in undertaking such an exercise.

Recommendation 10

The Secretary-General, on the basis of a proposal of the Executive Director of UNEP and in consultation with UNEP-administered multilateral environmental agreements secretariats, should:

(a) **Develop and/or review the delegation of authority, division of roles and responsibilities of the entities providing administrative, financial and human resources management services to the Conferences of Parties; and**

(b) **Draw up a clear service-level agreement defining the level and type of services to be delivered by the United Nations Offices in Nairobi and Geneva to the multilateral environmental agreement secretariats.**

15. CEB members support the recommendation and note that work is already in progress regarding the proposed service-level agreements.

Recommendation 11

The Secretary-General, with the assistance of the Executive Director of UNEP and in consultation with the multilateral environmental agreement secretariats, should undertake a review of UNEP and United Nations Office at Nairobi practices concerning the recruitment of staff for multilateral environmental agreement secretariats and propose steps to improve the staffing situation and geographical distribution of staff.

16. CEB members support the recommendation on the understanding that, as in the case of recommendation 10, it applies to UNEP-administered multilateral environmental agreements and note that work is already under way.

Recommendation 12

The Secretary-General should:

(a) **Increase transparency in the use of the programme-support cost resources on an actual cost basis and in the services delivered to multilateral environmental agreements administered by the United Nations and UNEP and, to this end, ensure that programme support costs charged for such services are budgeted and applied against actual expenditures incurred;**

(b) **Instruct the United Nations Controller to undertake consultations with United Nations entities that deliver administrative services to the Conferences of the Parties and, on the basis thereof, submit to the General Assembly for its adoption proposals for setting up a common budget for administrative support services provided to multilateral environmental agreements and inform each Conference of the Parties on the administrative and budgetary implications arising from this arrangement.**

17. Organizations support component (a) of the recommendation and note that an internal study on programme support costs is currently being undertaken by the UNEP secretariat. On component (b), CEB members suggest that, given the autonomous policy, working authority and financing arrangements of each multilateral environmental agreement's Conference of the Parties, a review of the feasibility of establishing a common budget for the administrative support services provided to multilateral environmental agreements may have to be initiated by the Conferences of the Parties themselves. Such a review may address the issue of the management structure and the criteria for accessing a common budget, as well as whether it will lead to economies. Only after such a review would it be possible to provide an educated recommendation to the General Assembly for approval (see also relevant comment under recommendation 4 above).